

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN SANGSTER,

Plaintiff,

v.

**CLARK COUNTY DETENTION
CENTER; SHERIFF BILL
YOUNG; THOM REILLY;
BOARD OF CLARK COUNTY
COMMISSIONERS; CHIEF PAUL
MARTIN; CAPTAIN MARILYN
ROGAN; and LT. FRANK
REAGAN,**

Defendant.

2:05-CV-0195 JCM (PAL)

Date: N/A

Time: N/A

ORDER

Presently before the court is plaintiff's motion to strike (#142) defendants' response (#141). On February 13, 2007, plaintiff filed a motion to extend time to respond to improper reply by defendants (#144). Defendants filed a non-opposition to plaintiff's motion to extend time (#146). On March 1, 2007, plaintiff filed a response and opposition (#147) to defendants' response (#141). Plaintiff's motion to strike (#142) and response in opposition (#147) to defendants' response (#141) to plaintiff's motion to reopen the case (#138) are based upon plaintiff's mischaracterization of defendants' response as a "surreply." Under Local Rule 7-2(b), an opposing party may file a response to a motion 15 days after service of the motion. The document filed by the defendants

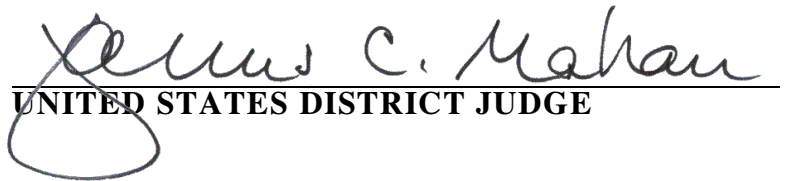
1 (#141) was a proper and timely response to the plaintiff's motion (#138) because it was the first
2 document to be filed in response to plaintiff's motion. Furthermore, it was filed on January 28,
3 2007, within the time frame required by the rule.

4 The plaintiff also argues that the response should be stricken under Fed. R. Civ. P 12(f)
5 because it contains redundant arguments. The arguments made in defendants' response counter
6 those offered by plaintiff in his motion to reconsider the case (#138) and are not redundant.

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to
8 extend time (#144) be, and the same hereby is, GRANTED.

9 IT IS FURTHER ORDERED that plaintiff's motion to strike defendants' response to motion
10 to reconsider (#142) is, DENIED.

11 DATED this 9th day of March, 2007.

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15 UNITED STATES DISTRICT JUDGE
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